

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1583 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

SALAUDDIN SIDDIQBHAI MALEK

Appearance:

Ms. Siddhi Talati for Petitioners
Mr. Nehal Joshi for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/12/1999

ORAL JUDGEMENT

#. The respondent-plaintiff, a constable in the police department of the Government of Gujarat filed Civil Suit No.789 of 1999 in the Court of Civil Judge (S.D.), Vadodara, challenging therein the order of the petitioners under which he was placed under suspension.

Along with the suit, he filed application for grant of interim injunction which came to be allowed by the learned trial court on 18th August, 1999 and interim injunction as prayed for has been granted. This order has been challenged by petitioners by filing appeal which came to be rejected by the Joint District Judge at Vadodara under its order dated 1.10.1999. Hence this revision application before this court.

#. Manifold contentions have been raised by learned counsel for the petitioner challenging the validity, legality and correctness of the order of the court below, but in view of the order which I propose to pass in this civil revision application, I do not consider it to be appropriate to refer and discuss those contentions. In the matter of suspension of employees where the same has been challenged in the civil court, I have my own reservation though I am not expressing any final opinion at this stage, in case that order is not stayed, whether it will cause any irreparable injury to the employee. It is only a matter of suspension and if ultimately the employee succeeds in the suit, he will get all the benefits. However, this being a service matter and mainly it depends on the documentary evidence, i.e. to say that a small amount of oral evidence may be necessary, the courts have to make all efforts and endeavour that the suit itself is finally disposed of at an early date. The revision application has been admitted by this court on 21st October 1999 and the orders passed by both the courts below were ordered to be stayed and this interim relief continues. So interest of justice will be met in case this civil revision application is disposed of in terms that the learned trial court shall finally dispose of the suit itself within a period of six months from the date of receipt of writ of this order. Time bound programme has to be given so that there may not be delay in disposal of the suit. If the petitioners have not filed written statement to the suit so far, they may file the same within fifteen days of the first date which is fixed by the court after receipt of writ of this order. Thereafter issues shall be framed within seven days. The plaintiff shall complete his evidence within two months from the date of framing of issues and the defendants then to complete their evidence within next two months. In the remaining time, the court shall hear arguments of the parties and give judgment. The Rule and civil revision application is disposed of accordingly. No order as to costs.

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